United Nations S/2003/712

Security Council

Distr.: General
16 July 2003

Original: English

Letter dated 14 July 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the formation of the Transitional Government in the Democratic Republic of the Congo, issued on 2 July 2003 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Marcello **Spatafora**
Permanent Representative of Italy to the United Nations

03-42938 (E) 160703

Annex to the letter dated 14 July 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the formation of the Transitional Government in the Democratic Republic of the Congo issued on 2 July 2003 by the Presidency of the European Union on behalf of the European Union

The European Union welcomes the formation of the Transitional Government of National Union in the Democratic Republic of the Congo. This is a fundamental step in the peace process in the Democratic Republic of the Congo, and marks the acme of the path mapped out by the inter-Congolese dialogue and the Sun City and Pretoria agreements.

The European Union calls on the new Transitional Government to take the necessary action to achieve the objectives of the transitional period as laid down in the Pretoria agreements of 17 December 2002, in particular the holding of free and transparent elections at all levels permitting the establishment of a democratic constitutional regime, and the formation of a restructured and integrated national army.

The European Union stands ready to support the Transitional Government's activities by means of concrete initiatives to assist in rebuilding a stable Congolese State able to guarantee the safety of the Congolese people, national reconciliation and stability in the region.

The European Union commends the work of the Special Representative of the Secretary-General for the inter-Congolese dialogue, Mr. Moustapha Niasse, who facilitated the formation of the new Government, and reaffirms its readiness to work with the United Nations and the African Union towards an international conference for peace in the Great Lakes region.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the EFTA countries members of the European Economic Area align themselves with this statement.

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Draft resolution

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the situation in Sierra Leone,

Recognizing the continuing fragile security situation in the Mano River region, particularly the conflict in Liberia and the need to strengthen further the capacity of the Sierra Leone police and armed forces to enable them to maintain security and stability independently,

Taking note of the report of the Secretary-General of 23 June 2003 (S/2003/663), particularly the options for drawdown of the United Nations Mission in Sierra Leone (UNAMSIL) described in paragraphs 32 to 40,

1. *Approves* the recommendation of the Secretary-General, in paragraph 68 of his report, that the drawdown of UNAMSIL should proceed according to the "modified status quo" option towards withdrawal by December 2004, and welcomes the intention of the Secretary-General to submit additional recommendations to the Council in early 2004 concerning a residual presence of the United Nations;

2. *Decides* to monitor closely the key benchmarks for drawdown and requests the Secretary-General to report to the Council at the end of each phase, and at regular intervals, on the progress made with respect to the benchmarks, and to make any necessary recommendations on the planning of subsequent phases of the withdrawal;

3. *Requests* the Secretary-General to proceed accordingly;

4. *Decides* to remain actively seized of the matter.

03-43299 (E) 180703

United Nations S/2003/714

Security Council

Distr.: General
17 July 2003

Original: English

Letter dated 14 July 2003 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait addressed to the President of the Security Council

I have the honour to transmit herewith, for the attention of the members of the Council, a report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) (see annex).

The report was approved by the Committee on 11 July 2003.

(*Signed*) Gunter **Pleuger**
Chairman
Security Council Committee established
by resolution 661 (1990) concerning
the situation between Iraq and Kuwait

03-43149 (E) 180703

Annex

Report of the Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)

1. The present report has been submitted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in accordance with paragraph 6, subparagraph (f), of the guidelines for facilitating full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) of 3 April 1991, approved by the Council in its resolution 700 (1991) of 17 June 1991 (S/22660, annex).

2. Under paragraph 6, subparagraph (f), of the guidelines, the Committee is required to report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Security Council. The present report is the forty-ninth of its kind under the above-mentioned guidelines.

3. By paragraph 12 of the guidelines, all States are requested to report to the Committee any information that may have come to their attention relating to possible violations by other States or foreign nationals of the arms and related sanctions against Iraq. During the reporting period, no new information of this kind has been brought to the attention of the Committee

4. By paragraphs 13 and 15 of the guidelines, all States and international organizations are required to consult the Committee on the question of whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items that are meant for civilian use but that have the potential for diversion or conversion to military use. During the period under review, the Committee was not consulted by any State or international organization on questions related to dual-use or multi-use items.

5. By paragraph 14 of the guidelines, international organizations are requested to take all appropriate steps to assist in ensuring full compliance with the arms and related sanctions against Iraq, including providing to the Committee any information of this kind that may come to their attention. During the period covered by the present report, no such information was brought to the attention of the Committee.

6. The Committee will continue its efforts to fulfil the mandate entrusted to it by the Security Council. Since the last report of the Secretary-General, dated 4 December 1991 (S/22884/Add.2), no further communications have been received from Member States pursuant to paragraph 4 of Security Council resolution 700 (1991).

United Nations S/2003/715

Security Council

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17 July 2003

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Report of the Secretary-General pursuant to paragraph 24 of Security Council resolution 1483 (2003)

I. Introduction

1. The present report is submitted pursuant to paragraph 24 of Security Council resolution 1483 (2003), in which the Council requested me to report to it at regular intervals on the work of my Special Representative with respect to the implementation of the resolution. The present report provides an initial assessment of the scope of the challenges involved in implementing the mandate conferred by the resolution, and to indicate those areas in which I consider that the United Nations can play a useful role based on its expertise and comparative advantage. I have kept foremost in mind the interests of the Iraqi people, especially their demand for the early restoration of Iraqi sovereignty.

2. On 27 May 2003, I appointed Sergio Vieira de Mello as my Special Representative for Iraq, for a period of four months. His initial team has comprised staff from the Department of Peacekeeping Operations, the Department of Political Affairs, the Department of Public Information, the United Nations Development Programme (UNDP), the World Bank, the International Monetary Fund (IMF), and his own Office of the United Nations High Commissioner for Human Rights. They went to Baghdad on 2 June 2003. Shortly after, the Under-Secretary-General for Political Affairs proposed an exchange of letters with the United States of America and the United Kingdom of Great Britain and Northern Ireland, stating that the United Nations expected the Coalition Provisional Authority to adhere to the Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies.

3. In this first report to the Security Council, I believe it important to set out the operational context within which the United Nations is exploring ways to play a meaningful role, in coordination with the Coalition Provisional Authority, in assisting the people of Iraq. Consequently, each section — where appropriate and to the best initial understanding of my Special Representative's Office — includes a brief introductory overview of United Nations and, where relevant, related Authority efforts.

4. Within that context, the report recommends an overall approach and structure for the United Nations presence in Iraq for the remainder of 2003, taking into account paragraph 16 of resolution 1483 (2003), in which the Council requested the termination of the oil-for-food programme in November 2003.

03-43063 (E) 180703

5. This report does not — indeed, could not — provide a comprehensive picture of the current situation in Iraq. That picture is evolving on a daily basis, as my Special Representative and his team broaden their contacts with Iraqis and hear different views. There is also, quite naturally, a daily evolution of the situation on the ground in every sector of potential involvement, not least the security situation that affects the developing role of the United Nations.

II. Initial approach: broad consultations to define the role of the United Nations

6. In order to identify ways in which the United Nations could make the most effective contribution possible, my Special Representative and members of his Office, in the first few weeks, have met people representing a large and diverse spectrum of Iraqi society. Meetings have been held with political groups; religious leaders; tribal leaders; senior civil servants in the ministries; and members of civil society, including nascent Iraqi human rights and non-governmental organizations, women's associations, journalists and independent professionals and business leaders, both in Baghdad and in the regions. In these first weeks my Special Representative visited Basra, Erbil, Najaf and Hillah.

7. Since his arrival, my Special Representative has met regularly with the Administrator of the Coalition Provisional Authority, L. Paul Bremer III, and with John Sawers, the Special Envoy for Iraq of the Prime Minister of the United Kingdom. My Special Representative's team has established contacts with counterparts in the Authority.

8. Wherever appropriate, the Office of my Special Representative has endeavoured to arrange meetings that bring both Iraqi and Authority representatives together with the United Nations. So far, the United Nations has facilitated such meetings on issues of the rule of law, past human rights violations, and constitutional processes. Contacts have also been initiated with representatives of the diplomatic community in Baghdad and visiting parliamentary delegations.

9. My Special Representative was given a coordinating mandate by resolution 1483 (2003) between the United Nations system and non-governmental organizations inside Iraq. By Regulation 5, of 18 June, the Coalition Provisional Authority established a coordination mechanism, the Council for International Coordination, whose aim is to act as an interface between it and the international assistance community. The incoming Chairman of the Council, Marek Belka, made clear to my Special Representative that donor funds could be channelled separately through the United Nations, provided that the United Nations acted in coordination with the Council. While waiting for the Council to become operational, representatives of the United Nations system have re-established contact with their Iraqi counterparts in the principal ministries, and members of my Special Representative's Office have found tremendous benefit in establishing similarly direct links, which they will continue to maintain.

10. In line with the request in paragraph 8 (c) of resolution 1483 (2003) to work intensively also with "others concerned" to advance efforts to restore and establish national and local institutions for representative governance, my Special Representative and I met recently in Amman with leaders from the region, as well as

with the Secretary-General of the Arab League and Foreign Ministers and senior officials of major donor countries. Regional leaders whom I met in Amman believed that Iraq was still very isolated from the region. All expressed the hope that the aspirations of the Iraqi people to govern themselves could be realized as soon as possible. Most regional leaders believed that the swift establishment of the Iraqi interim administration would be a step in the right direction.

11. Several common themes ran through the discussions my Special Representative and his team have had with Iraqis of different backgrounds. There was an overwhelming demand for the early restoration of sovereignty and the message was conveyed that democracy could not be imposed from outside. Serious concern was expressed about the process of de-Ba'athification and the dissolution of the Iraqi army. Decades of repressive rule, gross violations of human rights, successive wars, and severe international sanctions made the daily life of most Iraqis unbearable. A clear sense of bitterness understandably persists. Now, while there is certainly hope on one level that a better future may lie in store, on another, apprehensions remain.

12. Immediate practical concerns featured prominently in almost all discussions. One group after another presented long lists of grievances, expectations and demands on the part of the Iraqi people. Daily living conditions have not improved, at least not for those living in urban areas, and may have got worse. Above all, my Special Representative's contacts expressed deep concern about the precarious, some believed deteriorating, security situation, particularly in Baghdad. They feared that if the situation were not addressed quickly insecurity would hamper efforts to address many of their immediate other concerns, notably the inadequate provision of basic public services and the pressing need to create jobs for the high numbers of unemployed in Iraq.

13. While many Iraqis lodged frank criticism about aspects of the United Nations past record in Iraq, they also expressed appreciation for the Organization's ongoing humanitarian efforts and stressed the need for the United Nations to play an active role, not least in facilitating and supporting the political transition. All considered United Nations involvement essential to the legitimacy of the political process. Others frequently cited key priority areas for ensuring future stability and prosperity, including economic reconstruction and sustainable development, the need for an accounting for past crimes, respect for human rights and the rule of law, national reconciliation, the development of a dynamic civil society — including free and independent media, and capacity-building.

14. In his meetings, my Special Representative has also emphasized the important role to be played by women in the rebuilding of the country. He has stressed that Iraqi women represent a powerful force for peace, reconciliation and stability, who should be empowered and afforded the opportunity of playing their rightful political, economic and social role. Occasionally the groups with which my Special Representative met have included a small representation of women. Clearly this is an area that will take time to develop.

III. Political transition process

15. In accordance with the mission's mandate as set out in paragraphs 8 (c) and 9 of resolution 1483 (2003), my Special Representative has sought to define how best

the United Nations might contribute to the political process — which had already begun prior to his arrival. My Special Representative sought first to elicit the views of as broad a range of Iraqis as possible on the Authority's transitional plans to create a political body and a constitutional framework.

16. After decades of repressive rule, there is a democratic deficit in Iraq, which needs legitimate institutions. Indeed, political life based on pluralism is having to be reinvented in Iraq. There is an urgent need for ethnic, sectarian, provincial and other components of society to unite into a single political community that is both respectful of the large cultural diversity of the Iraqi people and also open to new ideas that help individuals challenge traditional structures.

17. Many Iraqi leaders have indicated the urgency of all parties uniting behind a joint political programme. This has led to efforts to open up to other parties the so-called Leadership Council, which comprised Abdel-Aziz al-Hakim (SCIRI), Iyad Allawi (INA), Massoud Barzani (KDP), Nasir al-Chadirchi (NDP), Ahmed Chalabi (INC), Ibrahim al-Jaafari (Da'wa) and Jalal Talabani (PUK). Despite the formation of dozens of political parties, a new Iraqi body politic remains in very embryonic form.

18. My Special Representative and his team have made efforts to meet with all of these groups, the newly emerging ones as well as those well established, whether formed by individuals who remained in the country or those who returned from exile. Their unanimous concern is the urgent establishment of an Iraqi provisional government, by an Iraqi process, which could help to address some of the immediate practical challenges currently faced in the country. For example, there is a marked difference between political life in northern Iraq and the rest of the country as a result of the past 12 years. This, in itself, has created concern among Iraqi Kurds that their achievements will be lost in the process of reintegration into the larger Iraqi national scene.

19. A common theme was that democracy should not be imposed from the outside; it had to come from within. Iraqi political, religious and civic leaders are currently reflecting on an Iraqi-led transition agenda. Some viewed the proposed creation of an interim Iraqi administration pragmatically — as a means to more effective administration in the short term and as a step on the road to the restoration of Iraqi sovereignty and ownership of the reform of key institutions and national policies that will shape the future of the country. Even though its powers would be limited, some believed that the very existence of an Iraqi interim administration would still make a difference.

20. A central concern in all my Special Representative's discussions was the constitutional process. Those Iraqis with whom my Special Representative has met have emphasized that Iraqis themselves must conduct the constitutional process and that an Iraqi interim authority should be in place before such a process is begun. Some Iraqi interlocutors strongly felt that participation in the constitutional process should be determined by elections. If requested, the international community, including the United Nations, can assist this process by providing advice, lessons learned on different constitutional processes around the world, and technical assistance.

21. My Special Representative has facilitated communication between his Iraqi interlocutors and the Authority, while offering his own comments and suggestions.

One of the main messages that my Special Representative has conveyed is the need to ensure Iraqi ownership of the political process and the tangible delegation of executive authority and real power to Iraqi representatives in terms of policy-making, including the allocation and administration of budgetary resources. While opinions have varied among Iraqis on the transitional formula, all emphasized the importance of a swift establishment, by Iraqis, of a provisional Iraqi government, with real authority for its interim ministers.

22. The Coalition Provisional Authority has deployed intensive efforts to build consensus around its evolving transition plan, initially by expanding its consultations from the original seven-party Leadership Council to a group of 15 to 17 political figures, tribal leaders, religious figures, independent personalities, and representatives of civil society and human rights and women's groups. Over the past few weeks, the Authority's political transitional plan has evolved rapidly, with the idea of establishing a self-selecting and broadly representative Governing Council.

23. The importance for the Iraqi people of moving quickly towards their own government cannot be overstated, not least in terms of getting the constitutional process off to a good start. My Special Representative, therefore, has strongly advocated that the Authority devolve real executive authority to a broadly representative and self-selecting Iraqi leadership, including in policy- and decision-making, and in the preparation and execution of a budget. This advice was favourably received by the Authority.

24. I welcomed the establishment of the Governing Council on 13 July. An agreed document (between the Authority and Council members) states that "The Governing Council is the principal body of the interim administration of Iraq called for in Security Council resolution 1483 (2003)." The 25-member Governing Council, which includes three women, has a slight Shi'ah majority and an equal representation of Kurds and Sunnis. There are in additional representatives of Christians and Turkmen. The Governing Council will name an interim minister for each ministry and will have the right to set policies and take decisions, in cooperation with the Authority, and designate international representation during the interim period. In the finance area, the Governing Council, together with representatives of IMF, the World Bank and UNDP, will play a full part in drawing up the national budget for 2004, which will be subject to its approval. In addition, it will have the right to consider substantial amendments to the emergency budget for 2003. The Governing Council will consider appointing a preparatory constitutional commission to recommend to it a process by which a new constitution for Iraq will be prepared and approved.

25. In an effort to move forward the process of defining the key elements of this part of the transition process, my Special Representative convened an initial meeting with Iraqi experts and the Authority on 1 July to begin sharing experiences and to ask Iraqis how they envisage the constitutional and electoral processes developing, on the basis of traditional Iraqi values, the best interests of the country and democratic principles.

26. According to the Coalition Provisional Authority, the full restoration of sovereignty will come after the drafting of a new constitution and the holding of national elections. In discussions with the Authority, my Special Representative has proposed that voter registration should begin in the near future to demonstrate that tangible steps are being taken to pave the way for elections. To that end, I have

instructed the Electoral Assistance Division of the Department of Political Affairs, as a matter of urgency, to send an assessment mission to Iraq to discuss with relevant Iraqi and Authority counterparts the various possible modalities for electoral registration and the electoral process, including electoral laws, rules and regulations, registering political parties, and options for United Nations electoral support in those areas.

27. Although Iraqi views diverge on how quickly conditions will allow for truly participatory and representative processes, there is a widely held perception that the forthcoming constitutional and electoral processes will be of fundamental importance to the political transition envisaged in paragraph 8 (c) of resolution 1483 (2003). It is in these areas — the scope of which is yet to be defined with Iraqi experts — that I believe the United Nations can make a significant contribution. Not only can United Nations involvement confer legitimacy on the process, it can also put at the disposal of the Iraqi people the wealth of experience and expertise accrued by the United Nations in these fields over the years, including advice on meaningful human rights provisions and protection mechanisms. To this end, we stand ready to assist the Governing Council, including the provision of technical support to a secretariat for the Governing Council, at its request.

IV. Security situation

28. Security remains the priority concern for all the Iraqis with whom my Special Representative has spoken during this initial period. Security — or the lack of it — affects every aspect of life in Iraq today in a fundamental way. It was mentioned in every discussion as a hindrance to progress in all sectors of activity, from basic personal security and freedom of movement to the reopening of the banks and economic development, reform of the legal system, developing free and independent media and, not least, providing a stable environment for the political process. However, since the responsibility for reporting to the Security Council on the security situation throughout the country lies elsewhere, this report confines itself to outlining the security situation only insofar as it impinges on United Nations activities.

29. Restricted freedom of movement has affected United Nations activities, particularly crucial humanitarian work, and has the potential to impair reconstruction planning, including the needs assessments being undertaken for the reconstruction conference to be held in October. At the beginning of July 2003, 3 out of 18 governorates remained in Security Phase V (that is, "off limits") for United Nations operations, even if deemed "permissive" by the coalition. Over 800 international United Nations staff have now redeployed throughout those parts of Iraq where the Security Phase has been downgraded to Phase IV. According to rules established by the Office of the United Nations Security Coordinator, Phase IV is restricted to staff members "directly concerned with emergency or humanitarian relief operations, or security matters". This will clearly have implications for all United Nations organizations and activities in Iraq, as well as for the ability of my Special Representative to deploy expeditiously proposed political and human rights officers to the regions.

30. United Nations humanitarian activities continue to be curtailed in certain parts of Iraq still categorized by the coalition as "uncertain", rather than "permissive" for

operations. To date there have been two key arcs of instability: from Al Qaim to Fallujah and from Bayji to Baqubah.

31. The work of the United Nations humanitarian agencies is further impeded by the massive presence of explosive ordnance, mines and unexploded ordnance, which pose an immediate humanitarian threat to the local population. A sharp increase has been recorded in the number of casualties, as a result of people tampering with stockpiles and caches of munitions. Freshly laid landmines, and submunitions used during the recent conflict, have exacerbated a serious existing problem of landmine and unexploded ordnance contamination. The United Nations is contributing to efforts to address these problems, through the use of the Mine Action Rapid Response Plan, coordinated by the Mine Action Service.

32. So far, United Nations personnel have seldom been the targets of deliberate hostility. One exception to this was an incident in Basra on 17 June when a crowd trapped two United Nations vehicles, apparently not distinguishing the United Nations from the Authority. Both vehicles were eventually released. On 29 June, a series of shots were fired outside the front gate of the United Nations compound at the Canal Hotel in Baghdad, which caused coalition forces in the area to go to a high state of alert.

33. More recently, both the United Nations and an organization working with the United Nations have been targeted. On 5 July, a rocket-propelled grenade hit the office of the International Organization for Migration (IOM) in Mosul. In the incident, which followed earlier threats made against IOM, a police guard was injured and two IOM vehicles were damaged. On 6 July, a World Food Programme (WFP) office in Mosul and later an empty WFP vehicle were attacked by armed individuals. No WFP staff were hurt in those incidents. The designated security official was forced to cancel all security clearances and United Nations flights into Mosul from 7 July, and to relocate the point of entry for flights in the north from Mosul to Erbil. IOM closed its office in Mosul pending a review of the security situation and UNICEF removed its entire staff, decreasing the number of international staff present in Mosul from 27 to 4.

34. United Nations contractors and facilities remain vulnerable to criminal activity both random and organized. Looters regularly attack convoys contracted to carry WFP supplies inside Iraq, to the extent that the willingness of drivers to undertake such tasks is affected, particularly for those convoys crossing the border from Kuwait and Jordan. United Nations facilities continue to require high levels of security, because of their attractiveness for looters. One WFP warehouse in Baghdad was forced to close temporarily, pending provision of additional coalition force security. Other United Nations facilities have been the subject of burglary attempts by armed intruders.

35. For ordinary Iraqis, as well as United Nations personnel, the principal security threat currently comes from violent crime. Criminals, some of whom are organized and most of whom are armed, continue to take advantage of the easy availability of weapons and the vacuum in rule of law institutions. The crime situation has been exacerbated by the release, by presidential decree towards the end of 2002, of most of the criminals in Iraqi jails. Iraqis — especially women — have expressed their fear of being on the streets after dark, together with concern about abductions and attacks. The security situation has forced a daily curfew throughout Iraq on United

Nations international staff from 8 p.m., well before the curfew of 11 p.m., enforced by the Authority.

36. The principal concerns of Iraqis include the lack of personal security and of basic services such as water, electricity and fuel. Continued looting of basic infrastructure, and what appears to be the emergence of organized sabotage of key electrical infrastructure, water supply and oil pipelines, stocks of textbooks and currency printing premises, pose a significant threat to the restoration of basic services. In addition, the large illegal trade in oil and fuel directly affects the access of Iraqis to these vital supplies, as well as their perception of progress in the current environment.

37. Some concern has been expressed at the potentially serious implications of the recent dissolution of the Iraqi Army, which numbers half a million personnel, to whom the Authority has recently agreed to pay monthly stipends. The United Nations has made available to the Authority its considerable experience and body of best practice in disarmament, demobilization and reintegration. At the Authority's request, a small team of United Nations experts drawn from across the world was flown to Baghdad for a week to provide information on lessons learned from previous disarmament, demobilization and reintegration programmes run by the United Nations. The United nations is willing, if requested, to lend its experience to reintegration activities.

V. Human rights and the rule of law

38. In resolution 1483 (2003) the Security Council authorized my Special Representative, working in coordination with the Authority, to assist the people of Iraq through promoting the protection of human rights; encouraging international efforts to rebuild the capacity of the Iraqi civilian police force; and encouraging international efforts to promote legal and judicial reform (paras. 8 (g), (h), and (i)).

39. Learning from United Nations experience in many conflict and transition situations over the past decade, it is essential to place human rights and the rule of law at the forefront of efforts to encourage the building of representative, democratic institutions in Iraq.

Promoting the protection of human rights (resolution 1483 (2003), para. 8 (g))

40. The egregious violations of human rights perpetrated in Iraq over the period of the previous regime have been well documented by the United Nations human rights system through the Special Rapporteurs of the Commission on Human Rights and non-governmental human rights organizations. Rather than seek to replicate those accounts, this initial report concentrates on those aspects of the legacy of the past and of the current situation that translate into immediate human rights challenges in Iraq.

41. Since his arrival in Iraq, my Special Representative has been engaged in a preliminary process of identifying the human rights challenges in Iraq and assessing the resources needed to address them. My Special Representative intends to focus on the human rights challenges enumerated below.

42. There is a need to build a national human rights capacity in which the United Nations would be able to assist. Human rights officers deployed in Iraq are planning

to hold systematic human rights workshops throughout Iraq with national human rights partners and to begin to identify with them the principal elements of a national human rights strategy and plan of action. Furthermore, my Special Representative has initiated consultations with Iraqi political and religious leaders on the possibility of establishing a national human rights commission.

43. The issue of enforced disappearance is the most pressing one for Iraqis, many of whom either have missing relatives or know families that have suffered losses. It is estimated that, over the past three decades, at least 290,000 Iraqis from all religions, ethnic groups, political affiliations, classes and professions disappeared. Since the fall of the previous regime, several mass graves have been unearthed in many parts of the country. It is imperative that these sites are protected in order to preserve forensic evidence. A comprehensive policy to address this issue must be put in place as a matter of priority to ensure the dignity and rights of the victims and their families, who have a right to know what happened to them.

44. In line with the eleventh preambular paragraph of resolution 1483 (2003), ensuring accountability for past crimes and providing a mechanism whereby the Iraqi people can come to terms with the past are urgent priorities. While only an elected Iraqi government should decide on this issue, there is a need to begin discussing with Iraqis now the process they believe would provide the best assistance. For that reason, my Special Representative's human rights work will focus on transitional justice and providing a forum in which the United Nations can share international experience in this area and where the Iraqis can think through these sensitive issues.

45. On 30 June and 1 July, my Special Representative and his team convened the first human rights conference under United Nations auspices in Baghdad. This significant event, which was organized jointly with the Office of the High Commissioner for Human Rights at Geneva, brought together Iraqi and international experts, as well as representatives of the Authority, to share perspectives, identify practical measures and develop policy options on justice for past crimes.

46. A central concern raised is the current human rights situation, particularly as affected by the actions of the Authority. My Special Representative has raised a number of these concerns with the Administrator and reminded him of the Authority's obligations under paragraph 5 of resolution 1483 (2003) to comply fully with international law, including in particular the Geneva Conventions of 1949 and The Hague Regulations of 1907.

47. Another human rights concern pertains to those civilians killed, wounded, or detained during and after the recent conflict, for which no reliable figures exist. The Authority has reportedly released thousands of prisoners of war. Detainees include those arrested for attacks against the coalition forces, possession of weapons, criminal activity such as looting, and minor or unidentified offences. Iraqis who have approached my Special Representative and his staff have expressed concern about the treatment and conditions of detention of these prisoners, themselves citing the obligation of humane treatment under international humanitarian law. My Special Representative has urged the Authority to ensure better treatment of detainees and urged a continued dialogue with the International Committee of the Red Cross on this issue. On 15 July, my Special Representative held a constructive meeting with Ambassadors Bremer and Sawers to express concern about the treatment of detainees and the conditions under which they were held in detention.

He received assurances that these concerns were being addressed through remedial action.

48. Vital to the promotion of human rights and respect for the rule of law is the development of civil society, in particular effective, professional and independent human rights and women's rights groups, and free and independent media. To this end, my Special Representative has placed particular emphasis on training. The United Nations has already been called upon from various sources to train public officials, particularly those involved in the administration of justice such as the judges, prosecutors and defenders, and law enforcement officials, in human rights issues. My Special Representative intends to examine the possibility of providing such training, as well as the possibility of specific programmes to ensure access to justice by vulnerable groups. My Special Representative also intends to immediately launch a forceful human rights education campaign through the establishment, together with the Office of the High Commissioner for Human Rights and with the support of UNDP, of a Human Rights Documentation and Training Centre in Baghdad.

49. Iraqi women have been particularly affected by the state of insecurity. Immediately after the conflict, many women were confined to their homes in the cities amidst reports of increased harassment and violence directed towards them. This confinement has impaired access to health care, both for women and their children. In general, women are under-represented in efforts to structure and manage both the political and the rehabilitation and recovery processes. My Special Representative has emphasized to all political parties and movements the need to promote the full participation of Iraqi women in the transitional political and constitutional processes. Equally, their economic and other needs must be addressed, in particular those of women heads of household, who have long assumed a great deal of responsibility for managing families and communities without much support. I look forward to the findings of the recent UNIFEM assessment mission to provide a meaningful basis for action in this regard.

50. Promoting the respect of human rights requires an urgent capacity to observe and analyse the human rights situation. Six human rights officers have been placed within the Office of the Humanitarian Coordinator, both in Baghdad and in the regions. My Special Representative intends to deploy more human rights officers as the situation permits.

Encouraging international efforts to rebuild the capacity of the Iraqi civilian police force (resolution 1483 (2003), para. 8 (h))

51. A number of Governments have informally approached my Special Representative to explore the possibility of deploying international police under the auspices of the United Nations. At present, executive law enforcement responsibilities in Iraq are the sole responsibility of the Authority, under resolution 1483 (2003) and international humanitarian law. Discussions on this issue between my Special Representative and the Authority have led me to believe that establishing an international police force, under United Nations auspices, could create a parallel system of law enforcement, which would not be effective for improving law and order.

52. There is scope for United Nations involvement in the area of civilian policing, in terms of making available its considerable experience in aspects of local police

training and development. The United Nations initial focus, working in close coordination with the Authority, and the Governing Council, will be on two specific issues. It will offer to provide input into the human rights provisions of the training curricula for the newly recruited Iraqi police; and it will offer to provide advice to the Authority and the relevant Iraqi law enforcement institutions, once established, on the development and implementation of independent and credible law enforcement oversight mechanisms.

Encouraging international efforts to promote legal and judicial reform (resolution 1483 (2003), para. 8 (i))

53. The Iraqi legal community has been eager to establish the rule of law and functioning institutions after decades of living without an independent judicial system. Before encouraging efforts to promote legal and judicial reform, there is a pressing need for the justice system in Iraq to resume functioning within the framework of the provisions of the Geneva Conventions. The lack of functioning courts has, so far, stifled the role of the legal community and its ability to generate adequate income. In order to ensure the swift resumption of Iraqi legal proceedings, my Special Representative, together with UNDP, has identified two concrete projects relating to the emergency rehabilitation of two judicial facilities in Baghdad and support for the Judicial Training Centre in Baghdad.

54. Justice was the focus of the first trilateral meeting convened by the United Nations, on 25 June, with representatives of the Iraqi judicial community and the Authority. The purpose was to share the United Nations experience in fostering reform of the judicial system and to provide a forum for promoting dialogue among Iraqis on this issue. Iraq has substantial expertise and assets in this area that should be used. Outside assistance should be called upon only if local expertise cannot be found.

VI. Free and independent media

55. The development of free and independent media will assist in the creation of an environment conducive to free and fair elections, and in promoting a pluralistic society and a culture of respect for human rights. Currently, however, Iraqis feel that there is a lack of information, particularly from independent broadcast media sources. After decades of suppression, there is a thirst for information originating in Iraq.

56. In order to provide a source of quality, impartial information and assist in the development of an independent Iraqi media capacity, my Special Representative is exploring working with Iraqi journalists on the prospect of developing a truly independent, objective national radio station for the dissemination of news and entertainment and to provide an easily accessible forum for debate on the whole range of issues of national importance currently facing Iraq. The support of specialized non-governmental organizations and donor Governments that have expressed an interest in contributing to media development projects in Iraq will be very important in this regard.

57. The print media in Iraq are expanding on an almost daily basis, the number of daily and weekly newspapers available in Baghdad alone totalling 60 by the end of June, while the number for the whole country was 109. At a meeting with my

Special Representative on 15 June, Iraqi journalists requested assistance from the United Nations in almost every facet of their work, from providing computers and communications equipment to printing presses and paper, from technical and professional training to contacts with the outside world, from drafting new legislation to rebuilding the Iraqi Journalists Syndicate.

58. Support for media development has been identified as a priority area of intervention by my Special Representative, through assisting in the development of appropriate legislation and regulations and encouraging professionalism. With modest resources a great deal can be achieved by the United Nations. For example, my Special Representative's Office, in conjunction with UNDP, has formulated a proposal for a quick-impact project to establish an Iraqi Media Centre. Further assistance could be provided in such areas as coordinating national media development (radio, television, print media and the Internet), including funding and providing experts who can assist in journalist training, media restructuring and the drafting of laws and regulations.

VII. Humanitarian assistance and emergency rehabilitation

59. By resolution 1483 (2003) the Security Council entrusted my Special Representative with responsibility for coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations; promoting the safe, orderly and voluntary return of refugees and displaced persons; and encouraging international efforts to contribute to basic civilian administration functions (paras. 8 (a), (b) and (f)).

Coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations (resolution 1483 (2003), para. 8 (a))

60. Under international humanitarian law, the Coalition Provisional Authority bears the primary responsibility for the welfare of the Iraqi people, including the provision of public services. The assistance activities carried out by United Nations agencies complement those of the Authority itself. As in other emergency situations, United Nations agencies have been assisting and will continue to assist the Iraqi people under their standing humanitarian mandates.

61. The United Nations revised Humanitarian Appeal for Iraq was launched on 23 June 2003 in New York, specifying requirements for an additional $259 million for the United Nations system to ensure that it can carry out its assistance activities in the country until the end of 2003. The appeal document (available at www.reliefweb.int) contains an exhaustive account of the prevailing humanitarian conditions in Iraq and draws on data obtained from over 1,000 rapid assessments. The appeal also provides detailed descriptions of what the United Nations system — in close coordination with Iraqi counterparts in the principal ministries and other partners — has achieved already in the past three months, in what has been one of the Organization's largest humanitarian operations ever.

62. The combination of donor contributions and resources from the oil-for-food programme has meant that, in total, almost $2 billion in resources have been made available to date to support the United Nations response. With the aid of these resources, United Nations agencies were able to play a crucial role in rapidly

responding to the needs created by the conflict and its aftermath. This included establishing new offices in Mosul, Kirkuk, Hillah and Basra, with staff of the Office of Humanitarian Affairs supporting the broad range of coordination activities of the Office of the Humanitarian Coordinator.

63. One of the most important achievements, in terms of the well-being of the Iraqi people, was the assistance provided by WFP in enabling the reactivation by the Ministry of Trade of the public distribution system at the beginning of June. This was made possible by the shipment, by the beginning of July, of more than 1.2 million tons of food into Iraq since the resumption by WFP of cross-border shipments on 30 March.

64. The United Nations has also provided important assistance in other sectors. For example, UNICEF has organized the daily delivery of 3.5 million litres of freshwater to hospitals and communities in Baghdad and southern Iraq. United Nations agencies have delivered medical supplies to facilities throughout the country, also helping to restock those that have been looted. They have repaired water, sewage and power facilities. They are clearing minefields and unexploded ordnance. In all of these sectors, much work remains to be done.

65. The health care system in most of the country is operating at 30 to 50 per cent of pre-war capacity. Electricity installations did not sustain significant war damage, but sabotage, fuel shortages and shortage of funds for maintenance and spare parts have kept generation capacity at around 40 per cent of the country's needs. While repairs of water facilities and restoration of fuel supplies to facilities have restored capacity in Baghdad and Basra to pre-war levels, continued leakage, looting and shortages of fuel mean supply is significantly reduced (in Baghdad by 50 per cent).

66. The non-functioning of sewage treatment plants remains a pressing concern, since up to an estimated 1 million tons of raw sewage flows into the Tigris River in the centre and southern areas of Iraq each day. The breakdown of urban refuse-collection systems resulted in a serious sanitation crisis, in hospitals and other public places. While schools are open again, attendance remains significantly down, owing to insecurity and reduced staffing levels.

67. The United Nations Mine Action Coordination Team is helping to address the serious humanitarian problems posed by mines and unexploded ordnance, including hundreds of caches of abandoned munitions in built-up areas. While the Authority's Emergency Mine Action Team is responsible for establishing and overseeing Iraq's National Mine Action Authority, and coalition forces are also undertaking some clearance activities, the United Nations Mine Action Service has used its Rapid Response Plan to contract expert teams to carry out emergency assessments and explosive ordnance disposal. The Coordination Team is ready to cooperate with the Coalition Provisional Authority to develop a comprehensive plan to remove the hazard of stockpiles and caches of munitions located in urban areas. My Special Representative believes there is an opportunity for improved coordination of these activities between the Authority, the United Nations and a number of international and national non-governmental organizations active in this field. He believes this to be an area where the United Nations, with its considerable experience and expertise, can play a valuable role.

68. United Nations humanitarian agencies and non-governmental organizations are working closely with Iraqi staff in the ministries, who are the first line of response

to the present crisis. Iraq has a highly skilled and professional workforce, reflected in the calibre of its technical and administrative machinery. Since the collapse of the regime, however, senior personnel have disappeared or been dismissed under Authority Regulation 1 of 16 May 2003 on de-Ba'athification, leaving many ministries with significantly reduced technical and decision-making capacity. While the reform of senior levels of the administration will take some time to complete, the Authority's reactivation of salary payments early in June and current efforts to re-establish government finance systems should result in an improvement in attendance and motivation in the coming weeks.

69. My Special Representative will work to ensure as smooth and integrated a transition as possible from humanitarian and emergency rehabilitation work to economic recovery and reconstruction. To that end, I have designated the Humanitarian Coordinator as his Deputy Special Representative and as Resident Coordinator to oversee this process, which entails supervising the winding down, completion and transfer to the Authority of the oil-for-food programme, as stipulated in paragraph 16 of resolution 1483 (2003), by 21 November 2003; guiding the implementation of the activities related to the revised humanitarian appeal; and ensuring, with the assistance of all United Nations organizations, funds and programmes, a proper transition to a full reconstruction framework for which preparatory work started at the technical meeting convened in New York on 24 June.

Promoting the safe, orderly and voluntary return of refugees and displaced persons (resolution 1483 (2003), para. 8 (b))

70. Promoting the safe, orderly and voluntary return of refugees and displaced persons is an important part of the mandate given to the United Nations pursuant to paragraph 8 (b) of resolution 1483 (2003). It is also a necessary aspect of stabilization in Iraq, as elsewhere, and needs to be handled carefully in order to avoid further economic hardship, displacement and even possible conflict.

71. It is estimated by the Office of the United Nations High Commissioner for Refugees (UNHCR) that there may be some 400,000 Iraqi refugees worldwide, as well as 1 million internally displaced persons and more than 110,000 refugees from other countries inside Iraq. The pace of return of refugees to Iraq and of displaced persons within Iraq will be determined by a number of factors, including, crucially, physical and social security within the country, access to shelter and restitution of property, and restoration of basic services and means of livelihood. Particular attention will need to be paid to resolving disputed property claims in this process and to ensuring that return movements do not lead to secondary displacement of populations within the country. These concerns argue for a carefully phased and gradual approach to returns, in general, to avoid further displacement and reduce the potential for conflict.

72. Primary responsibility for establishing conditions conducive to the return of refugees, especially with regard to security, border processing and the provision of basic services, rests with the Authority. As the lead United Nations agency in this regard, UNHCR will work within the United Nations operation in Iraq to coordinate the voluntary and sustainable return of Iraqi refugees and to provide protection and assistance to non-Iraqi refugees living in the country. It will also contribute to the orderly and viable return of displaced persons to their original areas, where this is possible. UNHCR is working closely with the Authority to determine when the

essential elements for return are in place, so as to establish the appropriate rate of sustainable returns to Iraq.

73. Active involvement and close collaboration with neighbouring countries of asylum will be required, to ensure that return movements are well planned and viable. Two initial UNHCR missions, led by the High Commissioner's Special Envoy, have visited Iraq and neighbouring asylum countries to determine the scope of the challenge. Of particular concern are the more than 200,000 Iraqi refugees registered in the Islamic Republic of Iran, many of whom have been pressing to return to Iraq. UNHCR has proposed that the first return of small groups from this population should be organized before the end of July 2003.

VIII. Oil-for-food programme

74. The completion of the oil-for-food programme as prescribed in Security Council resolution 1483 (2003) involves two distinct sets of actions. While procedural changes are envisioned in the central and southern governorates in the three northern governorates, the transfer of responsibility will involve substantive activities.

75. On 21 June, my Special Representative wrote to the Administrator stating the United Nations understanding of our mutual and individual obligations, in the context of resolution 1483 (2003) regarding the orderly transfer of the oil-for-food programme to the Coalition Provisional Authority. The Authority's response stressed that its understanding of resolution 1483 (2003) with regard to the respective responsibilities vis-à-vis the transition of the oil-for-food programme was consistent with that of the United Nations.

76. In relation to the centre and south, the Authority has been fully engaged and, together with the appropriate Iraqi technical personnel, the prioritization of applications is progressing. Regular meetings at a technical level involving the Authority, civil servants from the Iraqi "ministries" and the United Nations have been held. The restriction on staff freely returning to Iraq as a consequence of the uncertain security environment is having an impact on the speed with which these tasks can be undertaken.

77. The United Nations, in concert with the Authority, has commenced a review of the applications that have been prioritized to date and sought to verify that the requisite procedures established by the Office of the Iraq Programme have been fully respected and that the process is transparent. All parties are confident that the review of approved and funded applications will be completed prior to cessation of the programme in November 2003.

78. United Nations planning is at an advanced stage and liaison with the Authority vis-à-vis the transfer of the programme in the three northern governorates has been initiated. In addressing the transfer, two broad areas have been identified, namely the handover of fixed and mobile assets, and the transfer of contractual obligations. The Authority has agreed to a United Nations proposal to establish a high-level tripartite working group to include the United Nations, the Authority and the local authorities of the three northern governorates which will guide the transition effort.

79. The transfer of assets, while labour-intensive, appears to be a matter that presents few complications. Most of the moveable assets are already covered by a

loan agreement in one form or another. The registration of these assets and the preparation of transfer documents will be time-consuming. However the transfer of assets to the local authorities undertaken in preparation for the United Nations relocation in March will form a sound basis on which to pass on ownership.

80. The situation regarding the transfer of projects that are covered by ongoing contracts is a greater challenge. I believe that we need to consider each of these cases on its individual merits. Further, there would seem to be only three options available to the Authority in considering these cases: pay out the remaining contractual penalties or contract costs and not proceed further; simply leave the project unfinished; or continue the project until completion.

81. In approaching the last of these options, neither myself nor my Special Representative consider the continued involvement of the United Nations beyond 21 November 2003 in the management or execution of projects as being the right option in any but a very small number of unique cases.

82. During discussions with my Special Representative and his staff, representatives of the Authority have voiced their desire for the continuation of projects that would have commenced, had the programme not been suspended in March. Accordingly, implementation will proceed for those projects in the three northern governorates that were at an advanced stage of contracting at the time of my suspending the programme, with the caveat that, prior to the project being reinstated, a comprehensive strategy for transfer of implementation to the Authority by 21 November and for the end of the United Nations involvement must be jointly agreed by my Special Representative, the Authority and the future Iraqi interim administration.

IX. Economic reconstruction and sustainable development

83. In resolution 1483 (2003) the Security Council requested my Special Representative, working in coordination with the Authority, to assist the Iraqi people through facilitating the reconstruction of key infrastructure, in cooperation with other international organizations and promoting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors, and the international financial institutions (paras. 8 (d) and (e)).

84. As a result of successive wars, strict international sanctions and debilitating economic controls and distortions, Iraq's economic infrastructure and civic institutions have deteriorated significantly. In recent years economic activity and income have recovered modestly, thanks mainly to oil exports and access to essential imports under the oil-for-food programme. On balance, GDP per capita is estimated to have dropped from over $3,300 in 1980 to $1,200 just before the recent war. The UNDP *Arab Human Development Report 2002* places Iraq at 110 among 111 countries reviewed and over 80 per cent of the population are now estimated to be living in poverty. The lack of progress towards the Millennium Development Goals, regarded as a potential longer-term benchmark for recovery, also indicates the degree to which Iraq has deteriorated. It is against the backdrop of this situation, further exacerbated by the recent war and the attendant breakdown of social services, that the development of Iraq and the transition from a centrally planned economy to a market economy needs to be undertaken.

85. On 7 July, the Administrator announced the distribution of a new series of Iraqi dinar banknotes, to enhance the independence of the Central Bank, and the approval of an Iraqi budget for the second half of 2003. The new issue of banknotes, in particular, is a reasonable and timely step towards improving economic conditions in Iraq, which has the support of IMF management. These decisions were taken in consultation with Iraqi observers, including participants in the weekly meetings on economic issues and senior officials from Iraqi public institutions, and the initial submissions for the budget were prepared by Iraqi officials. The Authority has agreed that the Governing Council should review the implementation and allocations in the budget for 2003 at an early stage.

86. My Special Representative included in his initial team representatives from UNDP, IMF and the World Bank. They have established regular contact with a broad cross-section of Iraqi economists in the principal ministries, members of academia and business leaders, as well as with their counterparts in the Authority. Their initial focus has been on obtaining a clearer picture of the magnitude of the challenges facing the economic rehabilitation and recovery of Iraq and assessing areas of maximum impact in terms of urgently needed assessment and advice, technical assistance and capacity-building.

87. The overarching term "reconstruction" covers several key aspects: the repair of physical infrastructure, laying the foundations for economic recovery and rehabilitation, and, finally, longer-term economic reform. Despite its oil wealth, Iraq will require considerable external assistance initially for the first of these, namely, the reconstruction of damaged infrastructure, housing, and enterprises; the restoration of basic services and public administration; and the restoration of archaeological, historical, cultural and religious sites. Many of these essential areas were covered in the United Nations revised humanitarian appeal.

88. The experience and expertise of the international financial institutions, and of UNDP, will prove particularly valuable in laying the foundations for economic recovery and the comprehensive reforms associated with the transition to a market economy and in establishing the policy framework for durable poverty reduction. Critical early steps at the macroeconomic level, to begin providing better living conditions and hope for the future, include the establishment of a sound currency arrangement; the restoration of capacity for effective and transparent revenue collection and government expenditure management, including the appropriate composition of expenditures to deliver efficient social services; the creation of a functioning financial system including the banking sector, and the creation of the capacity for secure and efficient payments of salaries, pensions and other domestic and international transactions; the development of a macroeconomic policy framework consistent with the goals of limiting inflation and maintaining a manageable balance-of-payments position; and the provision of a favourable environment for private-sector-led growth and the creation of employment.

89. The Administrator has initiated weekly meetings with Iraqi business people, economists, government bureaucrats, members of the banking community and political groups. The aim of the meetings has been to seek their views on how best to move forward in some of the critical areas where decisions will need to be taken in the near future, primarily job creation, reopening the banks, the currency issue and foreign direct investment. UNDP and the international financial institutions were active participants in these meetings, sharing the experience of their

institutions in transition economies and putting their assistance and advice at the disposal of the Iraqi participants.

90. A comprehensive policy enacting institutional and legal reforms will be necessary to establish a market-oriented environment that promotes integration with the global marketplace. Sustainable economic growth in Iraq will be feasible only through the establishment of a dynamic private sector, a real challenge for an economy dominated by the public sector and State-owned enterprises. Such a profound transformation of the economy will have far-reaching social implications; for the transition process to be successful, its goals and methods must be inclusive and command broad-based Iraqi political support.

91. Simultaneously with the early macroeconomic steps described above, activities under the oil-for-food programme and the humanitarian appeal need to be expanded and gradually inserted into a medium-term development framework that includes the provision of an emergency social safety net; community recovery programmes; restoring public administration; the reconstruction and, more importantly, further development and modernization of vital public infrastructure, particularly transportation, communications, power, and water and sanitation facilities; and promoting civil society in general and specifically as a partner of the United Nations. There is also a need for development activities to give priority to areas of eventual large-scale return of refugees and internally displaced persons, particularly basic services previously covered by the programme.

92. Under the coordination of my Special Representative, the United Nations agencies are now in transition from activities launched under the humanitarian appeal on 23 June, and progressively moving into reconstruction, recovery and developmental activities. Discussions at the informal meeting on reconstruction in Iraq held at United Nations Headquarters on 24 June helped to further define the framework for the coordination of reconstruction and development efforts. These discussions also helped define the process for the preparation of a joint United Nations Development Group/World Bank needs assessment in key sectors over the coming months, and the convening in October of an international donor conference. The needs assessments will be done drawing heavily on Iraqi expertise and the United Nations national and international staff already working in Iraq, external expertise being used only on an "as needed" basis.

93. Through the fielding of IMF and World Bank missions, the two institutions have already begun to provide technical assistance and advice. Priority technical assistance missions in the next three months will focus on the areas of (a) currency reform, central bank, and payments system; (b) the commercial banking sector; (c) public expenditure management; (d) tax policy and the fiscal regime for the oil sector; (e) price liberalization, enterprise reform, and social protection; (f) an initial assessment of policies and actions to energize the private sector; and (g) economic statistics. The two institutions have established a continuing presence in Baghdad, in close cooperation with my Special Representative.

94. In paragraph 12 of resolution 1483 (2003), the Security Council envisaged the establishment of an International Advisory and Monitory Board of the Development Fund for Iraq. On 6 June, the Under Secretary for International Affairs of the United States Department of the Treasury sent a letter inviting me, or my representative, to attend an organizational meeting of the Board to be held on 25 June in Washington, D.C. I designated as my representative to attend that meeting my Special Adviser on

Iraq, Rafeeuddin Ahmed, who received a letter dated 20 June from the Permanent Representative of the United States, forwarding copies of draft terms of reference approved by the Coalition Provisional Authority and the Regulation on the Development Fund for Iraq which had been signed by the Administrator on 15 June. Prior to the organizational meeting, my Special Adviser briefed the members of the Security Council on 24 June on developments relating to the International Advisory and Monitory Board. At the organizational meeting hosted in Washington by the Treasury Department, representatives of the four institutions discussed the draft terms of reference of the Board, including proposed changes thereto. Following that meeting, the Treasury Department distributed a revised draft which is currently under discussion among the four institutions in an endeavour to arrive at a common position. As mandated in resolution 1483 (2003), I will report to the Council on the work of the Board once it has started discharging its functions.

X. The way forward

A. Approach

95. In resolution 1483 (2003) the Security Council conferred on the United Nations a broad mandate, in a wide range of critical activities and in a unique set of circumstances. It authorized the Organization to facilitate dialogue and consensus-building among Iraqis in various sectors of activity. The challenge for the United Nations in Iraq is to find meaningful and effective ways to assist the Iraqi people in achieving their goals. Its aim is to help them participate in, and take ownership of, the definition of the policies and priorities that will shape the future of their country.

96. I have come to the firm conclusion that the United Nations can begin to assist the Iraqi people now in making a difference. It has already begun to do so, particularly in helping to pave the way for the restoration of sovereignty to democratic Iraqi institutions, on the basis of rule of law. It has provided the requisite space and an impartial forum in which Iraqis can conduct their deliberations. The United Nations is making available to Iraqi groups, and the Authority, factual information about how certain issues have been tackled in post-conflict situations, and lessons learned, especially in ensuring participatory processes and local empowerment. Ultimately, the United Nations, as mandated in resolution 1483 (2003), is a resource at the disposal of the Iraqi people, whose interests are at the forefront of all our work.

97. Iraq is rich in human resources. Critical from the outset is placing qualified Iraqis in the lead in the planning and management of Iraq's recovery. I endorse the approach taken by my Special Representative, which is based on the twin principles of inclusiveness and empowerment of the Iraqi people, and has capacity-building as its natural corollary.

B. Tasks

98. Having listened carefully to the requests of those Iraqis with whom my Special Representative has met and consistent with the provisions of resolution 1483 (2003), the focus of United Nations action in Iraq, for the remainder of 2003 only, will include the following:

(a) Delivering humanitarian assistance, promoting the safe, orderly and voluntary return of refugees and displaced persons, and conducting emergency rehabilitation as set out in the revised humanitarian appeal of 23 June;

(b) Engaging in the facilitation of national dialogue and consensus-building on the political transition process;

(c) Assisting in the establishment of electoral processes;

(d) Promoting the protection of human rights through:

(i) Observing and analysing the prevailing human rights situation in the country;

(ii) Encouraging the development of a national human rights action plan;

(iii) Promoting the establishment of an independent national human rights institution;

(iv) Engaging and supporting national dialogue and institutions to address accountability for past human rights violations;

(v) Promoting human rights education through the establishment, together with UNDP, of a Human Rights Documentation and Training Centre in Baghdad;

(vi) Advising on training curricula, and conducting training for civil servants — law enforcement and judicial personnel in particular — in the area of human rights and gender, consistent with human rights and related instruments to which Iraq is already a party;

(vii) Supporting the development of civil society, particularly Iraqi human rights and women's groups, legal associations and free and independent media;

(e) Implementing, through UNDP, two concrete projects relating to the emergency rehabilitation of the courts and support for the Judicial Training Centre in Baghdad;

(f) Establishing an Iraqi Media Centre;

(g) Ensuring the orderly phasing out of the oil-for-food programme by 21 November 2003;

(h) Contributing, through UNDP and the international financial institutions, to assessing potential needs for economic reconstruction and sustainable development;

(i) Sharing United Nations experiences and lessons-learned with Iraqis, and the Coalition Provisional Authority, on post-conflict processes in general, as requested;

(j) Assisting the Iraqi interim administration to gradually rejoin the international community, particularly in those intergovernmental forums in which the United Nations has especial competence and expertise.

99. Bearing in mind the provisions of resolution 1483 (2003), my Special Representative will discuss, whether, when and how the United Nations considerable experience in the following areas — which is not an exhaustive list — could be of added value:

(a) Electoral processes;

(b) Constitutional processes;

(c) Judicial and legal reform;

(d) Police training and restructuring and reform of correctional systems;

(e) Demobilization and reintegration of former soldiers;

(f) Public administration and civil service reform;

(g) Institution of long-term strategies for economic reconstruction, sustainable development and good governance;

(h) Technical assistance and advisory services to Iraqi ministries.

C. Structure

100. The proposed United Nations Assistance Mission for Iraq (UNAMI) will consist of the Office of the Special Representative; the Office of the Deputy Special Representative of the Secretary-General and Resident Humanitarian Coordinator; an Office of the Chief of Staff, including a Policy and Planning Office, and a Translation Unit; a Political Affairs Office; a Human Rights and Rule of Law Office; a Legal Office; and a Public Information and Media Development Office. A Humanitarian Affairs Office will be functionally attached to the Office of the Special Representative; this will, however, remain a part of the Office for the Coordination of Humanitarian Affairs until the end of 2003. Similarly, a World Bank representative and a member of IMF will be attached to the Office, but will retain the structural links to their parent bodies.

101. The Mission will be supported by a Division of Administration incorporating responsibilities for core administrative and logistic disciplines, as well as security and the administration of five regional offices.

102. In view of the broad range of responsibilities entrusted to my Special Representative, it is envisaged that the staff strength shall consist of over 300 civilian staff combined. This figure is inclusive of both substantive and support international and local personnel in Baghdad and each of the regions. This increase in staff strength is necessary (given the need to be administratively and logistically self-sustaining) in view of the liquidation of the Office of the Humanitarian Coordinator. The number of international staff would be less than half the total figure, as UNAMI will rely on a skilled Iraqi workforce, a number of whom would be employed as national professional officers. It would also be necessary to bring in relevant experts from United Nations Headquarters, or from outside, on short notice to provide advice, and share experiences with Iraqis and the Authority, as required. This arrangement could be employed for the exploratory work on electoral processes. However, an Electoral Unit would need to be created if the United Nations were given a more substantial role in this area.

103. This concept envisages maximum reliance on the existing capacity and structure of the Office of the Humanitarian Coordinator and on the Humanitarian Coordinator himself, Ramiro Lopes da Silva, whom I am concurrently appointing as the Resident Coordinator of the United Nations country team (of agencies, funds and programmes) and my Deputy Special Representative for Iraq. He and his immediate

personal staff would be included in the staffing of UNAMI. The rest of the Office, however, would continue to be structured and funded according to current arrangements until the phasing out of the oil-for-food programme and the end of the period covered under the revised humanitarian appeal, on 21 November and 31 December 2003, respectively.

104. The emergency humanitarian phase is not expected to continue into 2004, when, it is hoped, developmental and reconstruction activities will commence. My Special Representative has been given a coordinating role in those areas also and will, therefore, still require an appropriate support structure.

XI. Observations

105. In his discussions, my Special Representative emphasized that an overriding goal of the United Nations — as expressed by the Security Council in resolution 1483 (2003) — was to support the right of the Iraqi people freely to determine their own political future and control their own natural resources. He conveyed to all concerned the Security Council's resolve that the day when Iraqis govern themselves must come quickly, and he has stressed the Security Council's call for a government based on the rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion or gender. To this end, my Special Representative made clear the independence of his role and that the Coalition Provisional Authority, not the United Nations, was responsible for administering Iraq, for providing for the welfare of the people, and for restoring conditions of security and stability.

106. While the international community can lend assistance to Iraq, it is ultimately the people of Iraq who must build their own future. There has accordingly been an urgent need for an Iraqi body, widely accepted as representative, to be established so that the key issues facing Iraq can begin to be addressed by Iraqis themselves. To this end, my Special Representative has actively advocated the early formation of the Iraqi interim administration envisaged in resolution 1483 (2003) and has discussed with the Authority the best way of achieving that goal.

107. I welcome the recent establishment of the Governing Council. It will provide a broadly representative Iraqi partner with whom the United Nations and the international community at large can engage. If some of the concerns that have been relayed to my Special Representative in these initial weeks of his mandate are to be allayed, and the growing impatience is to be stemmed, it is important that Iraqis are able to see a clear timetable leading to the full restoration of sovereignty. There is a pressing need to set out a clear and specific sequence of events leading to the end of military occupation. My Special Representative stands ready to assist in the establishment of such a framework, working together with the Governing Council and the Authority.

108. The regional dimension is extremely important. Iraq cannot be treated in isolation from the region. I believe that an inclusive way of working with Iraq's neighbours will need to be found, as in the case of Afghanistan in 2002. My Special Representative intends to continue the contacts I initiated in Amman from 21 to 23 June 2003 and before long will have visited all of Iraq's neighbours.

109. Against this background, the aim of my report has been to provide the Security Council with an initial assessment of the scope of the challenges involved, and an indication of those areas in which I feel that the United Nations can play a useful role in view of its expertise and comparative advantage. In this regard, I have sought not to duplicate what the Authority or others may be doing and, above all, to keep foremost in mind the interests of the Iraqi people. Of paramount importance is the need to uphold the independent role of the United Nations, as set out in Security Council resolution 1483 (2003). The legitimacy and impartiality of the United Nations is a considerable asset in promoting the interests of the Iraqi people.

110. In conclusion, I wish to express my warm appreciation for the outstanding efforts of my Special Representative, Sergio Vieira de Mello, and all of his staff, and to pay tribute to the United Nations personnel in Iraq for the dedicated manner in which they have been carrying out their tasks in often difficult and trying circumstances.